


1. Issue Date: 1/23/2023	<p style="text-align: center;">DEPARTMENT OF HEALTH AND HUMAN SERVICES HEALTH RESOURCES AND SERVICES ADMINISTRATION</p>  <p style="text-align: center;">NOTICE OF DEEMING ACTION COVER SHEET FEDERAL TORT CLAIMS ACT AUTHORIZATION: Section 194 of HIPAA (Public Law 104-91) by amending section 224 of the Public Health Service Act (42. U.S.C. 233, 42 U.S.C. 233(o))</p>
2. FTCA Deeming Notice No: 1-FC0412-23-01	
3. Coverage Period: From: 1/19/2023 Through: 12/31/2023	
4. Notice Type: New	
5. Free Clinic Name and Address: LANDER FREE MEDICAL CLINIC PO Box 249 Lander, WY 82520	
6. Executive Director: Kevin Wilson	
7. Free Clinic Number: FC0412	
<p>8. THIS ACTION IS BASED ON THE INFORMATION SUBMITTED TO, AND AS APPROVED BY HRSA, AS REQUIRED UNDER 42 U.S.C. § 233(o) FOR THE ABOVE TITLED ENTITY AND IS SUBJECT TO THE TERMS AND CONDITIONS INCORPORATED EITHER DIRECTLY OR BY REFERENCE IN THE FOLLOWING:</p> <p>a. The authorizing program legislation cited above, b. The program regulation, and, c. HRSA's FTCA-related policies and procedures.</p> <p>In the event there are conflicting or otherwise inconsistent policies applicable to the program, the above order of precedence shall prevail.</p>	
9. Remarks: <p>The Free Clinic health professional (s), board member (s), officer, employee, and/or individual contractor named below are deemed as an employee of the PHS for purposes of Federal Tort Claims Act (FTCA) under 42 U.S.C. § 233 (o) effective during the above coverage period.</p> <p>See enclosed Notice of Deeming Action</p>	
<p>Electronically signed by Tonya Bowers, Deputy Associate Administrator for Primary Health Care on: January 23, 2023</p>	

Kevin Wilson
Executive Director
1-FC0412-23-01
LANDER FREE MEDICAL CLINIC
PO Box 249
Lander, WY

Subject: Free Clinics Federal Tort Claims Act (FTCA) Program - Malpractice Liability Coverage – Initial Deeming Effective January 19, 2023 through December 31, 2023.

Dear Kevin Wilson:

The Health Resources and Services Administration (HRSA), in accordance with Section 224(o) of the Public Health Service (PHS) Act, 42 U.S.C. § 233(o) (Section 194 of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191), as amended by the Patient Protection and Affordable Care Act (Public Law 111-148)), deems each volunteer health professional, board member, officer, employee, and individual contractor (collectively referred to as "covered individuals") who is named on the enclosed list to be an employee of the Public Health Service (PHS) for purposes of Federal Tort Claims Act (FTCA) medical malpractice liability coverage for the period listed above. Please be aware that any additional individuals associated with the sponsoring free clinic who are not named on the enclosed or previously approved list are not deemed to be PHS employees absent HRSA's approval of a supplemental deeming application on their behalf.

This deeming determination is based on information provided in your free clinic's sponsoring FTCA deeming application, as required under 42 U.S.C. § 233(o)(5)(C)(i), and in particular with regard to the following statutory prerequisites: (1) implementation of appropriate policies and procedures to reduce the risk of malpractice; (2) implementation of a system whereby professional credentials and privileges, references, claims history, fitness, professional review organization findings and licensure status of health professionals are reviewed and verified; (3) cooperation with the Department of Justice (DOJ) in the defense of claims and actions to prevent claims in the future; and (4) cooperation with DOJ in providing information related to previous malpractice claims history.

To maintain FTCA coverage, the sponsoring free clinic and each covered individual must comply with all applicable statutory requirements, as further detailed in Program Information Notice (PIN) 2011-02. By Section IV(L) of the Calendar Year 2023 deeming application, your free clinic has informed HRSA that currently sponsored free clinic volunteer health professionals have each been provided with a copy of PIN 2011-02 and that any questions regarding FTCA medical malpractice coverage have been addressed. Your free clinic should now also provide copies of this letter and PIN 2011-02 to each free clinic volunteer health professional, board member, officer, employee, and individual contractor named on the enclosed list and deemed pursuant to 42 U.S.C. § 233(o) and should reconfirm that each one understands the statutory requirements and limitations on coverage, including but not limited to those detailed in sections III and IV of the Policy Manual.

FTCA coverage is effective for the coverage period listed above, provided that the free clinic maintains its qualified sponsorship status under the PHS Act and that each covered individual named on the enclosed list maintains necessary licensure or certification in accordance with applicable law. In order for a free clinic volunteer health professional, board member, officer, employee, and individual contractor to maintain deemed status, the free clinic must annually submit a FTCA renewal application in accordance with HRSA requirements on behalf of the volunteer. If the free clinic fails to submit a renewal application, FTCA coverage for the sponsored covered individuals will terminate on December 31 of the applicable calendar year.

FTCA coverage is comparable to an "occurrence" policy without a monetary cap. Therefore, any coverage limits that may be mandated by other organizations are met. For example, FTCA coverage would meet the requirements of a \$1.0 million each claim/\$3.0 million aggregate occurrence policy, since FTCA coverage would, as appropriate, provide payment to a plaintiff for any damages awarded as a result of a judgment or settlement, including sums in excess of policy requirements.

For further information regarding FTCA, please contact the Health Center Program Support (Formally the BPHC Helpline) at 877-464-4772, option 1, or using the BPHC Contact Form

<https://bphccommunications.secure.force.com/ContactBPHC/BPHC>Contact Form>.

Sincerely,
Tonya Bowers
Deputy Associate
Administrator for Primary
Health Care